ness. Thus, in a prosecution for the violation of a speed regulation, the opinion of a lay witness as to the speed at which the defendant was going was held admissible. *People v. Lloyd,* 178 Ill. App. 66. See also *Neely v. Shephard,* 190 Ill. 637, where it was held that an opinion of a lay witness acquainted with the respondent was admissible in a hearing on a petition to have a conservator appointed for an alleged insane person.

EVIDENCE—OTHER ACTS ADMISSIBLE TO SHOW INTENT.—Upon trial of an indictment charging blackmail in that defendant had forwarded through the United States mail a letter threatening to do injury to the person addressed, intending thereby to extort from him a sum of money, *held,* that it was proper for the prosecution to show that about the same time defendant had sent letters of a similar nature to others, as bearing on her intent. *People v. Ryan* (N. Y., 1921), 133 N. E. 572.

Where the act itself does not *per se* show its nature, the law permits other acts to be given in evidence for the purpose of showing the nature of the particular act, on the theory that the recurrence of a similar result tends to negative accident, good faith, or other innocent mental state, and tends to establish the presence of the criminal intent accompanying such act. *Blake v. Albion Life Assurance Soc.,* L. R. 4 C. P. D. 94; 1 WIGMORE ON EVIDENCE, § 302. The similarity in the various instances gives them their probative value. While a majority of the cases are agreed that similar acts occurring at or about the same time as the crime charged are admissible to show intent: *Ross v. State,* 92 Ark. 481; *Farmer v. United States,* 223 Fed. 903; *New York Mut. Life Ins. Co. v. Armstrong,* 117 U. S. 591 *People v. Molineux,* 168 N. Y. 264; yet the courts are not in harmony as to what constitutes "similar acts." Some judges admit such instances as bear a similarity liberally interpreted by the standard of every-day reasoning. Thus, in a prosecution for maliciously threatening injury to the person with intent to extort money, evidence of similar offenses committed about the same time was admitted to show intent. *State v. Vertrees,* 33 Nev. 509. In a prosecution for using the United States mails to defraud, evidence of a similar venture was properly received to show fraudulent intent. *Trent v. United States,* 228 Fed. 648; *Colt v. United States,* 190 Fed. 305. In a prosecution for mailing a letter containing a scheme to defraud, evidence that defendant had mailed similar letters not mentioned in the indictment was admitted as bearing on intent. *United States v. Watson,* 35 Fed. 358. Other courts are inclined to exclude every instance which is not on all fours with the offense in issue, on the ground that evidence of other acts tends to create a collateral issue and thus mislead the jury. *State v. Lapage,* 57 N. H. 245; *Commonwealth v. Jackson,* 132 Mass. 16; *Commonwealth v. Coe,* 115 Mass. 481. See 7 MICH. L. REV. 262. The cases state generally that evidence of other similar acts occurring "at or about the same time" is admissible. The question of remoteness seems to be within the discretion of the court. *Schultz v. United States,* 200 Fed. 234; *State v. Murphy,* 17 N. D. 48. Considerations of policy arising from

practical difficulties in making proof of intent would seem to point to the liberal interpretation of the rule, leaving the defendant's rights to be safeguarded by careful instructions to the jury.

EVIDENCE—PROOF OF FOREIGN LAW.—P was adopted by O's intestate in 1903 in the then territory of New Mexico. The conditions and consequences of this adoption were in dispute. No evidence of the law of New Mexico was introduced by either party. *Held,* in absence of a showing to the contrary, the law of New Mexico in 1903 will be presumed to have been the same as the code provisions in effect in California at that time. *Corison v. Williams* (Cal., 1922), 208 Pac. 331.

The general rule is that courts will not take judicial notice of the laws of another state, and that such laws must be proved as facts. Practically all jurisdictions, however, will take judicial notice of the fact that another state has a fundamental system of law similar to its own (if such be the fact), and from this draw the presumption that the law of the foreign forum is the same as its own law, exclusive of statutory changes. *Cuba R. Co. v. Crosby,* 222 U. S. 473; *Lemieux v. Boston, etc., R. Co.,* 219 Mass. 399; *Murrin v. Archbald Consol. Coal Co.* (N. Y., 1921), 134 N. E. 563. About a dozen states have gone further and adopted the rule of the instant case, extending the presumption so as to include even statutory changes. In this form it is really no presumption at all, but a rule of procedure to the effect that where the law of a foreign state is relevant, but not shown, it will be presumed to coincide with the law of the forum in all particulars. In spite of the unjust burden which it may put upon a party who has not the burden of proof on the issue and yet is forced to prove the foreign law if he wishes to rely upon it, this rule has recommended itself to the courts because of its simplicity and clearness. It is probably felt that while the operation of the rule may possibly be harsh and unjust, this will actually occur but rarely. However, Iowa, which was early a follower of this rule, in a recent case expressed its disapproval of it, and though the court declined to overrule its precedents, it also refused to extend the rule so as to presume constitutional provisions in a sister state to be similar. *Droge El. Co. v. Brown Co.,* 172 Ia. 4 (noted in 29 HARV. L. REV. 106). A third rule is in force in a few jurisdictions. It is merely a combination of the first and second—*i. e.,* the court follows rule one when the foreign state has a fundamental system of law similar to its own, and follows rule two when it has a fundamental system different from its own. This rule lacks both the fairness of the first and the simplicity of the second. "Presumption of the Foreign Law," by Professor Kales, in 19 HARV. L. REV. 401-415, contains a comprehensive study of the theory and practice of the various rules on this subject. For citation to cases, see 67 L. R. A. 3, and 23 C. J. 134. It is, perhaps, not out of place to call attention in this connection to the statutory rule adopted in some states requiring (in Michigan by Comp. Laws 1915, § 12513, "permitting") the courts to take judicial notice of the law of a sister state. This rule seems to be in force in some form or